

REMARKS/ARGUMENTS

In the Final Rejection dated February 1, 2007, the Examiner rejected claims 1, 2, 4, 6, 9-17, 19 and 22-29 under 35 U.S.C. §103(a) as allegedly obvious over Cox, et al. (U.S. Patent No. 6,161,543) in view of Whayne, et al. (U.S. Patent No. 6,203,525). In making this rejection, the examiner asserts that it would have been obvious to one of ordinary skill in the art to provide a porous electrode arrangement, as taught by Whayne, in the device of Cox. Applicant respectfully disagrees.

Cox discloses a cryogenic ablation probe having an ablating end for contacting heart tissue, where the ablating end is made of a material with high thermal conductivity properties, such as silver, gold and oxygen free copper or the like. Column 10, lines 5-9. The ablating end is a closed-end tube with an interior wall defining a boiler chamber. The boiler chamber received cryogen for cooling the ablating end. Column 10, lines 28-35. To eliminate cryogen leakage, a hermetic seal *must be* formed between the ablating end and the exhaust shaft. Column 10, lines 26-27. Given this disclosure, one of ordinary skill in the art would not be motivated to replace the ablating end of Cox with a porous electrode arrangement, such as that described in Whayne. Moreover, although Cox notes that the disclosed probe may use RF ablation, ultrasound, microwave, laser, localized delivery of chemical or biological agents, light activated agents, laser ablation or resistance heating ablation, these methods are disclosed only in connection with the described probe, which emphasizes the need for a hermetic seal to prevent fluid leakage.

In addition, applicant has amended independent claims 1 and 17 to recite that the non-conductive tubing has a pre-formed generally heel-shaped curve. Neither Cox nor Whayne teach or suggest such a feature. Accordingly, independent claims 1 and 17, and all claims dependent therefrom, including claims 2, 4, 6, 9-16, 19 and 22-32, are allowable over Cox and Whayne.

The Examiner also rejected claims 30 and 31 under 35 U.S.C. §103(a) as allegedly obvious over Cox, Whayne and Fung, et al. (U.S. Patent No. 6,120,476). However, Applicant has amended claim 30 to recite that the support wire is fixedly anchored in the non-conductive

Appln No. 10/622,221
Amdt date June 1, 2007
Reply to Office action of February 1, 2007

tubing. None of Cox, Wayne and Fung disclose such a feature. Rather, Fung appears to disclose a puller wire which is longitudinally moveable relative to the catheter body. Additionally, claim 30 depends from claim independent claim 17, which is allowable over Cox and Wayne as discussed above. Fung also does not teach the catheter of claim 17, and therefore claim 17, and all claims dependent therefrom, including claims 30 and 31, are allowable over Cox, Wayne and Fung.

In addition, the Examiner rejected claim 32 under 35 U.S.C. §103(a) as allegedly obvious over Cox in view of Wayne and further in view of Swanson, et al. (U.S. Patent No. 5,961,513). However, claim 32 depends from independent claim 17, which is allowable over Cox and Wayne as discussed above. Swanson also fails to teach or suggest that the non-conductive tubing has a pre-formed generally heel-shaped curve, as recited in independent claim 17. Accordingly, independent claim 17, and claim 32 which depends therefrom, are allowable over Cox, Wayne and Swanson.

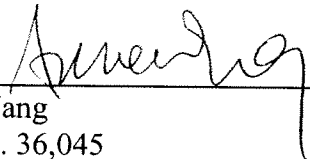
Finally, in addition to the amendments discussed above, Applicant has amended independent claims 1 and 17 for clarity.

Claims 1, 2, 4, 6, 9-17, 19 and 22-32 remain pending in this application, with claims 33 and 34 being withdrawn from consideration. By this amendment, Applicant has amended claims 1, 17 and 30 to place the claims in condition for allowance. The amendments find full support in the original specification, claims and drawings. No new matter is presented. In light of the above amendments and remarks, Applicant submits that all of pending claims 1, 2, 4, 6, 9-17, 19 and 22-32 are in condition for allowance. Applicant therefore respectfully requests a timely

Appln No. 10/622,221
Amdt date June 1, 2007
Reply to Office action of February 1, 2007

indication of allowance. However, if there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number indicated below.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
Anne Wang
Reg. No. 36,045
626/795-9900

LES/les

LES PAS740009.1-* -06/1/07 2:56 PM